

MENKEN SIMPSON & ROZGER LLP

80 PINE STREET, 33RD FLOOR  
NEW YORK, NEW YORK 10005

TELEPHONE: (212) 509-1616

FACSIMILE: (212) 509-8088

WWW.NYEMPLOYEEELAW.COM

BRUCE E. MENKEN  
SCOTT SIMPSON  
JASON J. ROZGER <sup>Δ</sup>  
BRENNA RABINOWITZ  
RAYA F. SAKSOUK

<sup>Δ</sup> ALSO ADMITTED NJ

ALAN SERRINS  
OF COUNSEL

March 22, 2023

**Via ECF**

Hon. Lee G. Dunst, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Agudelo v. Recovco Mortgage Management LLC et al.*, No. 22 Civ. 4004  
Update to the Court

Dear Judge Dunst:

The parties write pursuant Your Honor's March 7, 2023, direction to provide an update to the Court by March 21, 2023. Please accept the parties' sincere apologies for this delayed filing.

The parties have reached a settlement in principle and defense counsel is in the process of drafting a memorandum of understanding in preparation for drafting the full settlement agreement. Plaintiffs' counsel are drafting a motion to amend the operative complaint to consolidate three related California class actions with the instant litigation. The motion to amend will be filed contemporaneously with and contingent upon approval of the parties' motion for preliminary approval of the settlement. We request that the Court order that the parties file the motion for preliminary approval and motion to amend on or before April 14, 2023.

Respectfully submitted,

/s/ Brenna Rabinowitz

Brenna Rabinowitz  
Menken Simpson & Rozger LLP  
80 Pine Street, 33<sup>rd</sup> Floor  
New York, NY 10005  
(212) 509-1616  
brabinowitz@nyemployeeelaw.com

cc: All counsel (by ECF)